

**UNITED STATES DISTRICT AND BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO**

**ELECTRONIC CASE FILING PROCEDURES**

**Effective January 16, 2006**

**Amended January 1, 2009**

**Amended January 1, 2011**

**Amended September 22, 2014**

**1. Establishment of Electronic Case Filing Procedures.**

The Clerk of Court for the United States District and Bankruptcy Court for the District of Idaho is authorized to establish and promulgate Electronic Case Filing Procedures (ECF Procedures), including the procedure for registration of attorneys and other authorized users, and for distribution of passwords to permit electronic filing and notice of pleadings and other papers. The Clerk may modify the ECF Procedures from time to time, subject to approval by the Chief Judges. The ECF Procedures shall be available to the public on the Court's web site: [www.id.uscourts.gov](http://www.id.uscourts.gov).

**2. Definitions and Standards.**

- A. **CM/ECF** refers to Case Management/Electronic Case Files, which is the docketing and filing system used by the judiciary and by this Court.
- B. **Electronic document** is an electronic version of information otherwise filed in paper form.
  - 1. An electronic document has the same legal effect as a paper document.
  - 2. An electronic document is considered timely if received by the Court before midnight, Mountain Time, on the date set as a deadline, unless the judge specifically requires another time frame. If time of day is of the essence, the assigned judge will order the document filed by a time certain.
- C. **Electronic filing** is the electronic transmission of a pdf (portable document format) document to the Court for case processing by uploading the document directly from the user's computer and using the Court's CM/ECF system to file that document in the case file. It includes the transmission of pdf documents and scanned images.
- D. **Pdf** is a document created with a word processing program that has been converted to pdf. The pdf conversion program, in effect, takes a picture of the original document so the converted document can be opened across a broad range of hardware and software, with layout, format, links, and images intact.
- E. **Scanning.** When converting a document to pdf format, do it directly from the word processing application, (Word or Word Perfect). Do **not** scan the document because this will result in a significantly larger size document and also creates a graphic, which prevents or significantly inhibits the use of all editing features built into the Adobe software. When no alternative exists other than scanning

documents, filing parties must configure their scanners for black and white at 300 dpi (without color). The filing party is responsible for the legibility of the scanned image.

- F. **Electronic signature** refers to the fact that an electronic document is deemed signed when filed by an attorney, trustee, judicial officer, deputy clerk or other person authorized by the Court, using a valid CM/ECF login and password.
- G. **Notice of Electronic Filing** is an e-mail verification of the Court's receipt of the electronic pleading, as well as official notice of the filing to all other parties. The Notice includes the text of the docket entry, as well as a link to the filed document(s).
- H. **Registered Participant** is an attorney, trustee, judicial officer, deputy clerk or other authorized person who has successfully completed the registration and training requirements, and has been issued a CM/ECF login and password.

Registered Participants who are attorneys in good standing with this Court and are appearing *pro se* may use their CM/ECF account to file electronically without seeking prior Court approval.

### 3. **Registration, Logins and Passwords.**

- A. **Registration.** Each person or entity wishing to participate in the electronic filing system must first complete and sign a registration form on the Court's web site at [www.id.uscourts.gov](http://www.id.uscourts.gov).
  - 1. Attorneys and authorized employees acting on behalf of the Registered Participant must complete the on-line certification to become a CM/ECF Registered Participant in this Court.

Attorneys and others who can demonstrate they have successfully filed electronically with another U.S. Court may apply to become Registered Participants in this district without any additional training or certification.
  - 2. Registered Participants will receive their login and starter password after successful completion of the on-line certification. If an attorney is registered in another district, the login and password will be e-mailed to that attorney.

It will be the responsibility of the Registered Participant to immediately change the password. In the event the Court rejects or suspends login and password privileges, the applicant will be notified.
  - 3. Provided a Registered Participant has an Internet e-mail address, registration constitutes: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and

complaint. Waiver of service and notice by first class mail also applies to notice of the entry of an order or judgment.

4. If the Court permits, a party to a pending action who is not represented by an attorney may register as a Registered Participant in the Electronic Filing System solely for purposes of the action. Registration is in a form prescribed by the Clerk. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the Clerk to terminate the party as a Registered Participant upon the attorney's appearance.

It is each attorney's responsibility to maintain their respective CM/ECF user account information and ensure its accuracy with respect to items such as firm name, e-mail addresses, and secondary account users.

**B. Limited Registered Participants.**

1. *Pro hac vice.* An application for *pro hac vice* admission shall be submitted by Local Counsel through CM/ECF and accompanied by the appropriate fee. If appropriate, the Court will enter a docket text order granting the *pro hac vice* application. Immediately upon granting of the application, out-of-state counsel must register for CM/ECF.

Upon completion of training or demonstration that out-of-district counsel participate(s) in CM/ECF in another U.S. Court, a login and password will be issued by the Court. All subsequent documents filed by *pro hac vice* counsel shall be submitted through CM/ECF.

2. In the Bankruptcy Court, a limited Registered Participant also includes a person who is eligible to file only certain documents, such as a proof of claim form, a stipulation for relief from stay and a notice of appearance, or any other person who may be authorized by the Court to register for other limited purposes.

**C. Logins and Passwords.** Only attorneys in good standing with the Court, trustees, and others authorized by the Court will be issued system logins and passwords in CM/ECF.

1. Registered participants will require two logins and passwords: a National PACER account for viewing documents and a local Court CM/ECF account for electronic filing. All members of the Federal Court Bar are required to register for the CM/ECF account to facilitate service of notices and orders from the Court, as well as meeting the service requirements of the other parties in the case.

Registration for the accounts may be accomplished on-line at the links provided below.

CM/ECF

[http://www.id.uscourts.gov/cfCourt/ECF\\_Register/RegistrationForm.cfm](http://www.id.uscourts.gov/cfCourt/ECF_Register/RegistrationForm.cfm)

PACER

<http://pacer.psc.uscourts.gov/>

2. Any CM/ECF password issued for electronic filing shall be used exclusively by the Registered Participant to whom the password is assigned or by an employee(s) of such person to whom proper authorization has been given by the Registered Participant.
3. No Registered Participant shall knowingly permit a password to be used by anyone who is not authorized to use the password and no person shall knowingly use the password of a Registered Participant unless such person is so authorized.
4. If an employee of a Registered Participant is no longer permitted such access or if the Registered Participant has reason to believe the security of their password has been compromised, the Registered Participant shall forthwith change their password and contact the CM/ECF Help Desk if necessary. The local number is 334-9258 or, for those calling outside the Boise area, use the toll free number, 1-800-699-9842.

**4. Filing of Documents in CM/ECF and by other Electronic Medium.**

- A. Unless otherwise permitted by the Court or these procedures, all complaints, petitions, motions, pleadings, memoranda of law, or other documents, except for creditor matrices and orders, are to be converted into portable document format (.pdf) and filed directly on the CM/ECF System or other medium as directed by the Court. Creditor matrices are to be filed in a similar manner, but in text (.txt) format. Proposed orders shall be submitted in the form required in section 12.
- B. If permitted by the Court, documents submitted on CD ROM, DVD or other medium as directed by the Court, must only contain documents relating to a single case and must be labeled with the attorney's name, the case number, case name, a brief description of the documents on the medium, and the phone number of the attorney submitting the medium. Any video files submitted must be in media player (.wav) format.

**5. Exceptions from Mandatory Electronic Filing.**

The following types of cases and documents shall not be filed electronically, unless otherwise authorized by the Court:

- A. Any document filed by a non-attorney *pro se* party.
- B. Administrative Records as specified in section 10.

- C. Grand Jury material and warrants. While these must be filed in a traditional manner, if possible, they should be accompanied by a disk or CD-ROM containing the documents in .pdf format.
- D. State Court records submitted with a respondent's answer to a habeas corpus petition.
- E. Discovery: In accordance with [Dist. Idaho Loc. Civ. R 5.4](#) and [LBR 7005.1](#) discovery requests and responses shall not be filed with the Court. Discovery materials may, however, be submitted in support of or in opposition to any motion filed with the Court.
- F. Any document that cannot be scanned or otherwise converted to electronic format.
- G. Charging documents in a criminal case including complaints, informations and indictments.
- H. Consents to Proceed before a Magistrate Judge. These shall be e-mailed to [consents@id.uscourts.gov](mailto:consents@id.uscourts.gov) as specified in [Dist. Idaho Loc. Civ R. 73.1\(b\)](#).

## **6. Filing Specific Documents Electronically.**

- A. **Civil Complaints and Removals.** Civil Complaints, Notices of Removal, and Civil Case Cover Sheets shall be filed through CM/ECF and accompanied by the applicable fee, payable by credit card. The Civil Case Cover Sheet shall be submitted in .pdf format as an attachment to the Complaint or Notice of Removal. When filing a Notice of Removal, the copies of the State Court documents are to be filed electronically as attachments to the Notice of Removal. Each pleading is to be added as a separate attachment.

A party may not electronically serve a civil complaint, but instead must effect service according to Rule 4 of the Federal Rules of Civil Procedure.

- B. **Bankruptcy Creditor Matrix**

When preparing the mailing matrix, avoid using any special "meta" characters. Using these characters causes a failure during the upload process. Specifically avoid using the ~!@#\$%^&\*+|\` characters. For example, do not use "%" for "in care of" language. Rather, use the "c/o" designation. Also, avoid using any punctuation, including the apostrophe.

## **7. Summonses.**

- A. **Summonses in Civil Cases.** When initiating a new civil proceeding, a Registered Participant shall electronically prepare the standard Summons for a civil proceeding and electronically file it as an attachment to the electronically filed Complaint. Thereafter, the Clerk will electronically issue the summons and return it to the party who submitted it.

Affidavits of service, which may include executed summonses, may be filed electronically through CM/ECF.

- B. **Summonses in Bankruptcy Adversary Proceedings.** To file an adversary proceeding, a Registered Participant shall electronically prepare Form B250A (Summons in an Adversary Proceeding) and electronically file it as an attachment to the electronically filed Complaint.

A party may not electronically serve a summons, but instead must effect service according to Rule 7004 of the Federal Rules of Bankruptcy Procedure.

8. **Service.** A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service was accomplished on each party and shall appear as the last page of the document being electronically filed. A certificate of service is not required when submitting a proposed order. The certificate of service form shall be in the form shown below:

I HEREBY CERTIFY that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Robert Jones, Attorney for Debtor  
(e:mail address)

Samuel Adams, Attorney for ABCD Bank  
(e:mail address)

J.D. Smith, Trustee  
(e:mail address)

Office of the U.S. Trustee  
(e:mail address)

Stephen Stevens, Attorney for Trustee  
(e:mail address)

AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Registered Participants in the manner indicated:

Via first class mail, postage prepaid addressed as follows:

John and Jane Debtor  
1234 South 1st Street  
Smalltown, ID 83777

Idaho Construction Corp., Inc.  
c/o BR Corporation, its registered agent  
P. O. Box 1115  
Boise, ID 83701

Robert Doe, President  
Boise Receivables, Inc.  
623 Main St.  
Meridian, ID 83715

Via certified mail, return receipt requested, addressed as follows:

USA First Bank, N.A.  
Attn: I. M. Rich, President  
616 Parkway Drive  
Minneapolis, MN 55454

\_\_\_\_\_/s/\_\_\_\_\_  
R. Johnson, Attorney for Movant

- A. **Whenever a pleading or other document is filed electronically** in accordance with these procedures, CM/ECF will generate an e-mail "Notice of Electronic

Filing” to the filing party and to any other party who is a registered user. This Notice is equivalent to the conformed copy traditionally stamped *Filed*.

1. If the recipient is a Registered Participant in CM/ECF, the e-mailing of the Notice of Electronic Filing shall be the equivalent of service by first class mail.
  2. If the recipient is not a Registered Participant in CM/ECF, service must be made pursuant to the Federal Rules.
- B. **Whenever a pleading or other document is filed in paper form** for the Clerk’s Office to scan and upload to CM/ECF, the filer must serve conventional copies on all parties to the case.
- C. If the filer doesn’t know whether another party is a registered CM/ECF user:
1. Select CM/ECF’s “Utilities” category.
  2. Select “Mailing Information for a Case” on the pull-down menu.
  3. Enter the case number and Submit
  4. The mailing information will appear reflecting the means of service for each party in the case. This information may be “cut and pasted” into your word processing program to facilitate creation of the Certificate of Mailing.

## 9. **Motions and Related Paperwork.**

- A. **Formatting.** Documents must comply with [Dist. Idaho Loc. Civ. R 5.2](#), [LBR 5005.2](#), or [LBR 7003.1](#).
- B. **Submission of Motions as Separate Documents.** Motions and responses should always be filed as **separate documents**. For example, a Cross-Motion for Summary Judgment should never be combined with a Response to a Motion for Summary Judgment. It is critical the Cross-Motion be filed separately so it will appear on the Pending Motions Report and can be properly linked to any subsequent Responses, Replies, Notices and Orders. Any exhibits or attachments to Motions/Responses should be included with said Motion/Response and not filed as a separate docket entry.
- C. **Supporting Memorandum and Affidavits Filed with the Motion** Documents filed in support of a motion, which are filed *concurrently* with the motion, should be submitted to the Court as attachments to the main motion. On the screen where the filer browses and selects the motion.pdf, they should answer “yes” to attachments. On the attachments screen, the filer should include all additional pleadings being filed in support of the main motion, listed in a logical sequence.
- D. **Filing Subsequent Supporting Documents.** If a brief or affidavit in support of a motion is filed at a later time, do not refile the motion. File the document using the proper event and link it to the previously filed motion.

In Bankruptcy Court: Use “Other” under the Bankruptcy section to select the affidavit or brief. This may be used in an Adversary or Bankruptcy matter.

In District Court: Select the correct event from the “Responses and Replies” events list. There are separate event lists under the Civil and Criminal sections.

10. **Administrative Records in the District Court.** Administrative records shall be filed electronically and are subject to [Dist. Idaho Loc. Civ. R 79.1.](#)
11. **Large Documents, Non-Trial Attachments and Exhibits.** Registered Participants must submit in electronic form all documents referenced as exhibits or attachments unless otherwise ordered by the Court. Registered Participants shall submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Parties who file excerpts of documents as exhibits or attachments under this section do so without prejudice to their right to timely file additional excerpts of the exhibit. Responding parties may also timely file additional excerpts of the exhibit they believe are directly germane.
  - A. Transmission time for filing documents created by scanning that are more than five (5) megabytes in size will fail, and CM/ECF will issue an error message.

Documents in excess of 5MB will need to be divided into logical segments for filing as attachments. If a Registered Participant electronically files documents, exhibits or attachments created by scanning (imaging) that are more than five (5) megabytes in size, they must be segmented, indexed, and filed as multiple attachments (the system will allow multiple attachments to any pleading/document to be filed electronically). If a document is segmented, it shall be done in such a manner that each exhibit or attachment is divided in a logical sequence, easily understood as a stand-alone document. Alternatively, these documents may be submitted on CD-ROM or DVD to the Court for filing within two (2) business days. All pleadings/documents and attachments/exhibits which are created by scanning (imaging) shall be black and white (without color), in .pdf format and the resolution ***should not exceed 300 DPI***. Please check your PDF compression settings in the printer "properties" button to ensure you are using high compression.
  - B. In the Bankruptcy Court, exhibits, attachments or supporting documentation for Proofs of Claim are to be attached to the Proof of Claim when submitted for filing. The creditor must provide a copy of the original documentation to any party objecting to its claim. In the event of a hearing on an objection to the claim, the Proof of Claim and all original exhibits, attachments and supporting documentation may be introduced at the hearing for possible admission to the official record.
  - C. Exhibits that are not in paper format should be photographed so they can be scanned or converted by the filer into .pdf format for electronic submission into the System.



## **12. Court Issued Documents and Proposed Orders.**

- A. **Court Orders.** All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with these procedures, which will constitute entry on the docket kept by the Clerk. All signed orders will be filed electronically by the Court. Any order or other Court-issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner.
1. The assigned judge or the Clerk's staff, if appropriate, may grant routine orders by docket entry order. In such cases, no .pdf document will be created, and the text-only entry shall constitute the Court's only order on the matter. CM/ECF will generate a "Notice of Electronic Filing" as described previously in these procedures.
  2. When mailing paper copies of an electronically filed order to a party who is not a Registered Participant, the Clerk's Office will include the Notice of Electronic Filing to provide the non-participant with the proof of filing.
- B. **Proposed Orders.** Proposed orders are to be submitted by e-mail in a format compatible with WordPerfect, unless expressly directed by the Court to be submitted in a different format. A certificate of service is not required when submitting a proposed order.

The following procedures will assist the Court in processing proposed orders:

1. Simplify the font style or face. Use Times Roman or a similar well-accepted and recognized, standard font. Elaborate and stylish fonts do not transfer or translate well. Use 12 or 13 point font throughout the document.
2. Eliminate as much "formatting" as possible. For example, don't use hidden or internal codes and omit irregular line spacing, odd line or block justifications.
3. There shall be no attorney information (name, firm, address, etc.) above the caption. After the text of the order, the end of the text shall be indicated with the phrase "//end of text//". Below the end of text designation, the submitting attorney shall indicate the name of the attorney(s) submitting the order, the name of the party(s) represented, and in the Bankruptcy Court, any endorsements of the order by other parties (see paragraph B.7 below).
4. When e-mailing the proposed order in the correct format to the Court, all proposed orders must list in the e-mail subject line, the following items, separated by an underscore: (1) the case number, (2) judge's initials, (3) the docket number of the motion filed electronically, which is the subject of the proposed order; and (4) a description. (Example: 05-1234\_TLM\_10\_Order\_Dismissing.wpd)

5. Proposed orders shall be sent to the appropriate address from the following list:

District Court

BLW\_Orders@id.uscourts.gov

EJL\_Orders@id.uscourts.gov

CWD\_Orders@id.uscourts.gov

REB\_Orders@id.uscourts.gov

MHW\_Orders@id.uscourts.gov

LMB\_Orders@id.uscourts.gov

VisitingJudgeOrders@id.uscourts.gov

Bankruptcy Court

TLM\_Proposed@id.uscourts.gov

JDP\_Proposed@id.uscourts.gov

6. The submitting party shall not include a date, or signature line or block, for the judge in any proposed order submitted to the Court. So, please **DO NOT USE** the following type of format for your proposed orders.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(The date and signature will be added by the Court at the time the order is entered.)

7. **Bankruptcy Court Signature Approval.** If a party submitting a proposed stipulation to obtain a court order or is submitting an order in which the party is directed by the Court, or required by applicable rule, to obtain the approval from other parties prior to its submission to the Court, the submitting party shall indicate such approval, after the text of the order and before the space provided for the Court's entry per paragraph B.3 above, the name(s) of such approving parties and noting their signature approval by inserting "/s/" above their name, as illustrated below. Telephonic, facsimile, or e-mail approval, shall be indicated as illustrated. Submission of such stipulation or order constitutes a certification by the submitting party that the indicated approvals were obtained. The submitting party shall be required to retain any original, facsimile or scanned signatures. For example:

The above order has been approved by the following party or parties on the date(s) indicated:

/s/

John D. Doe, Chapter 13 Trustee

April 15, 2014

/s/

Jane A. Roe

Counsel for creditor, Mortgage Co. of America

April 15, 2014

/s/ (telephonic approval)

James A. Smith

Counsel for debtor

April 15, 2014

/s/ (facsimile approval)

James A. Smith

Counsel for debtor

April 15, 2014

/s/ (e-mail approval)

James A. Smith

Counsel for debtor

April 15, 2015

- 13. Signatures and Verified Pleadings.** The electronic filing of any document by a Registered Participant shall constitute the signature of that person for all purposes provided in the Federal Rules. Any document that must contain an original signature or requires verification under the federal rules or an unsworn declaration as provided in 28 U.S.C. § 1746, and any affidavits or other pleadings in which a person verifies, certifies, affirms or swears under oath or penalty of perjury concerning the truth of matters set forth in that pleading or document (“Verified Pleading”) may be filed electronically by Registered Participants in the System.

The correct procedure is to type /s/ and then your full name. Another option is to place the /s/ on the signature line and type your complete name under the signature line. For example:

/s/ Jane Attorney

or

/s/ \_\_\_\_\_

Jane Attorney

Electronic signature requirements for Registered Participants are the same in District and Bankruptcy Court, except as noted below in paragraph B .

- A. A Registered Participant filing a Verified Pleading electronically shall insure the electronic version conforms to the original, signed pleading/document. Each signature on the original, signed pleading/document shall be indicated on the electronically filed Verified Pleading with the typed name on the signature line of the person purported to have signed the pleading/document. The electronic filing of a Verified Pleading constitutes a representation by the Registered Participant that he or she has the original, signed document in his or her possession at the time of filing. The Registered Participant shall retain the Verified Pleading for a period of not less than the maximum allowed time to complete any appellate process, or the time the case or Adversary Proceeding of which the document is a part, is closed, whichever is later. The document shall be produced upon an order of the Court.
- B. In bankruptcy cases, the Registered Participant must electronically submit a scanned pdf copy of the original signature page of the original and any amended petition, schedules and statement of financial affairs to the Clerk at the time of electronically filing these documents with the Court in CM/ECF.
- C. Several documents in criminal cases may require the signature of a non-attorney, such as a defendant, a third-party custodian, a United States Marshal, an officer from Pretrial Services or Probation, or some other federal officer or agent. In general, the Clerk's Office will scan these documents and upload them to CM/ECF. Such copies of documents will be retained by the Court only so long as required to ensure the information has been transferred to the Court's data base, for other Court purposes or as required by other applicable laws or rules. The electronically filed document, as it is maintained on the Court's servers, shall constitute the official version of that record.

- 14. Sealed Documents.** Sealed documents and sealed cases in the District and Bankruptcy Court will be filed in electronic format, with access restricted to the Court and authorized staff, unless otherwise ordered by the Court.

**Motion to File under Seal.** Motions to file under seal must comply with [Dist. Idaho. Loc. Civ. R 5.3\(a\)\(1\)](#) or [LBR 5003.2\(1\)](#).

**Motion to Seal Existing Documents.** Motions to seal existing documents must comply with [Dist. Idaho. Loc. Civ. R 5.3\(b\)](#) or [LBR 5003.2\(2\)](#).

**Public information.** Unless otherwise ordered, the motion to seal will be noted in the public record of the court. The filing party or the clerk of court shall be responsible for restricting public access to the sealed documents, as ordered by the court.

**Procedure for the Electronic Filing of Sealed Documents:**

- A. If a party wishes to file a document under seal in CM/ECF, they should first contact the Clerk's Office for instructions regarding how to file the document and how to maintain the confidentiality of the information.
- B. If a party wishes to file a sealed motion, they must first choose "motion" then browse to "sealed motion," describe the motion, and if there are attachments,

indicate and describe those. Pay particular attention when providing a description of the sealed motion to not include information intended to be sealed. The docket entry is public even though the sealed document is not. The motions and attachments should be in “pdf” format. The attachments will be sealed as well.

If a party wishes to file a motion asking they be allowed to file a document under seal, then the document they are asking to file under seal should **not** be an attachment to the motion. Proposed Orders are sent to chambers by e-mail, not electronically filed, and not in the “pdf” format.

- C. Also, any sealed motion filed, should include at the end of the motion, a request for the corresponding order to be sealed as well. It shall also indicate who the order shall be served upon (e.g. “Counsel for \_\_\_\_\_ requests the Order corresponding to this motion be sealed and copies be sent only to counsel for \_\_\_\_\_.” If appropriate in criminal cases the US Marshal Service, US Probation and Interpreter should be added for service)
- D. If a proposed order is submitted with the sealed motion and it too shall be sealed, the order shall be entitled clearly “SEALED ORDER” and it shall indicate who the order shall be served upon. (e.g. “IT IS FURTHER ORDERED that this Order shall be and remain sealed. The Clerk is directed to serve this order only upon counsel for \_\_\_\_\_.” If appropriate in criminal cases the US Marshal Service, US Probation and Interpreter should be added for service)
- E. Any order which is not sealed will be served on all parties in the case.
- F. Parties are reminded they must serve sealed documents by mail on counsel if required by rule. The CM/ECF system will not electronically serve sealed material.
- G. Documents submitted to the Court for *in camera* review shall be submitted in the same fashion as sealed documents.
- H. It is the attorney’s responsibility to ensure documents submitted for *in camera* review are not accessible to other parties. On a case-by-case basis, the presiding judge may request paper copies of documents submitted for *in camera* inspection be sent directly to the judge’s chambers.

## **15. Public Access, Services and Privacy.**

### **A. District and Bankruptcy Court Access and Services**

- 1. **Access:** Access to the electronic docket and documents filed in the System is available to the public at no charge at each Office of the Clerk during regular business hours. Printing of any document accessed for free in the Clerk’s Office, is subject to the fee required by the Judicial Conference of the United States (e.g. currently 10 cents per page).

Those accessing the CM/ECF system from outside the Clerk’s office are required to obtain a PACER account from [www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov).

In addition to the PACER login, a Court-issued CM/ECF login is required to file documents with the Court.

2. **One Free Look and e-mail notice:** Registered Participants will receive one-free look of all documents filed in cases in which they are a party. Registered Participants may also receive notices of electronic filing in cases in which they are not a party. In those instances, PACER fees will be charged.

When an e-mail notification is received of an electronic filing, **single click** on the document number hyperlink. Do not click on the case number hyperlink since that will incur PACER fees. Save or print the document upon the first viewing. Any subsequent viewing of the document through email will incur PACER fees.

Registered participants may specify additional e-mail addresses to receive the electronic notification of filings. Each of these addresses will be entitled to the “one free look” if the attorney is listed as a party in the case. This may be accomplished in the “User Account” information found under the “Utilities” section. Select “e-mail information” at the bottom of the User Account screen and add additional e-mail addresses to the user account.

The one-free-look period expires 15 days from the date of the e-mail.

3. **Services:** Conventional copies and certified copies of electronically filed documents may be obtained at the Office of the Clerk. The fee for copying and certification will be in accordance with 28 U.S.C. §1914 and 1930.

## **B. Privacy**

1. Privacy: Documents filed with the Court must comply with [Dist. Idaho Loc. Civ. R 5.5](#) or [LBR 9037.1](#).
2. In addition to the procedures outlined in the Court’s local rules, the Judicial Conference of the United States has adopted a policy which requires Counsel to redact personal identifiers in any transcripts filed with the Court. Counsel are required to follow the transcript redaction procedures outlined on the Court’s web site.
3. In addition to the privacy items listed in section #1 above, the Judicial Conference policy requires that the Court not provide public access to the following documents: unexecuted warrants of any kind; pretrial bail or presentence investigation reports; statement of reasons in the judgment of conviction; juvenile records; documents containing identifying information about jurors or potential jurors; financial affidavits filed in seeking representation pursuant to the Criminal Justice Act; ex parte requests for expert or investigative services at Court expense; and sealed documents.

4. You are advised to exercise caution when filing documents that contain the following:
  - a. Personal identification number, such as driver's license number;
  - b. Medical records, treatment and diagnosis;
  - c. Employment history;
  - d. Individual financial information;
  - e. Proprietary or trade secret information;
  - f. Information regarding an individual's cooperation with the government;
  - g. Information regarding the victim of any criminal activity;
  - h. National security information;
  - i. Sensitive security information as described in 49 U.S.C. §114(s).
5. Counsel is strongly urged to share this information with all clients so that an informed decision about the inclusion of certain materials may be made. If a redacted document is filed, it is the sole responsibility of counsel and the parties to be sure that the redaction of personal identifiers is done. The Clerk will not review each pleading for redaction.

**C. Additional Bankruptcy Court Provisions**

1. In accordance with the E-Government Act of 2002 and its own policy regarding privacy and public access, the Judicial Conference of the United States (Judicial Conference), promulgated Official Bankruptcy Form B21, Statement of Social Security Number(s) ("Official Form B21"). This form has been created to satisfy the requirement set forth in Federal Rule of Bankruptcy Procedure 1007(f) that a debtor must submit a verified statement of his or her Social Security number along with the debtor's petition.
2. With respect to petitions filed by electronic means via the Internet, the debtor's declaration signed under penalty of perjury that information in the petition is true and correct shall apply to the debtor's Social Security number as filed electronically with the petition.
3. With respect to Official Form B21, this form shall be filed separately in CM/ECF. The use of the "Social Security Statement" event will seal this information. This event can be found under "other" in CM/ECF.
4. Attorneys shall not file or submit any additional statements or verifications of the debtor's Social Security number.
5. Originally executed copies of Official Form B21 will be maintained by the Clerk, but will not be accessible to parties, the bar or the public.

**16. CM/ECF Fees.**

- A. **On-Line Payment of Fees.** All CM/ECF transactions that require a payment shall be paid on-line on the same day that the transaction is docketed.
- B. **Acceptable Credit Cards.** Only VISA, MASTERCARD, AMERICAN EXPRESS, DISCOVER and DINERS CLUB credit cards will be accepted. Debit cards from the above mentioned providers that do not require a “PIN” code will also be accepted.
- C. **Rejected Credit Card.** Any transaction declined by the credit card issuer for any reason must be paid to the Court by counsel in cash or by check or money order by the close of business on the next business day after notification by Court staff of the deficiency. Failure to timely submit the filing fees will result in revocation of the CM/ECF password.
- D. **Pay.Gov Set-Up.** Each time a document is electronically filed which requires the payment of fees, Pay.gov will prompt the user to provide credit card information. This includes providing the security code on the credit card. If this prompt screen does not appear, the internet browser pop-up blocker has been set-up or the memory cache in the browser is not allowing the screen to refresh. The user should ensure that their internet browser preferences are set up to accommodate the payment of fees through Pay.gov.

**17. Docket Entries and Corrections of Docket Entries.**

- A. Registered Participant who electronically files a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the Court.
- B. Once a pleading/document is electronically filed and becomes part of the electronic record, corrections to the docket may be made only by the Clerk's Office staff. Some examples of potential mistakes include: posting the incorrect .pdf file to a docket entry; selecting the incorrect document type from the menu selection; or entering the incorrect case number.
- C. The CM/ECF system will not permit a Registered Participant to withdraw an incorrectly filed document or to change the form of an incorrect docket entry once the transaction has been accepted. Registered Participants shall not attempt to re-file a document incorrectly filed or docketed, unless directed by the Clerk's Office.
- D. If a Registered Participant notifies the Clerk's Office that a document was filed in error, or if the Court determines that a document is filed in the wrong case, the signature line does not match the attorney in the case, or the docket text does not match the pleading, the Clerk may enter a text entry, notifying all parties of record, that the document was filed in error and shall be corrected. A notice of correction will be entered on the docket.



**18. Technical Failures.**

Any Registered Participant or other person whose filing is made untimely or who is otherwise prejudiced as a result of a technical failure at or by the Court, may seek appropriate relief from the Court. The Court shall determine whether a technical failure has occurred or whether relief should be afforded on a case by case basis.

**19. Retention of Conventionally Signed Documents by Parties.**

The original of all conventionally signed documents shall be retained pursuant to [Dist. Idaho Loc. Civ. R 5.1\(e\)](#) or [LBR 5003.1\(e\)](#).

Anyone who disputes the authenticity of any signature on electronically-filed documents shall file an objection to the document within ten days of receipt of the document or notice of its filing, whichever first occurs.

Dated this 22nd Day of September, 2014.

On behalf of the Court

Elizabeth A. Smith, Clerk of Court